

From: [Gary Miller](#)
To: [Jessica Hernandez](#); [Gary Miller](#)
Cc: [Axe, Al](#); [Anne Foster](#); [Cermak, John F.](#); [Sonja A.](#)
Subject: Re: San Jacinto River Fleet Issues
Date: 11/30/2011 08:27 AM

FYI,

I forwarded this to the Gary Miller in Superfund, his email is miller.garyG@epa.gov

Thanks,
Gary
Gary W. Miller, P.E.(inactive)
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▼ Jessica Hernandez---11/29/2011 05:38:33 PM---Al/John/Sonja: After speaking with Al this afternoon (John--we tried to reach you), I was able to t

From: Jessica Hernandez/R6/USEPA/US
To: "Axe, Al" <aaxe@winstead.com>, "Cermak, John F." <jcermak@bakerlaw.com>, Inglin, Sonja A. <singlin@bakerlaw.com>, Sonja A. <singlin@bakerlaw.com>
Cc: Anne Foster/R6/USEPA/US@EPA, Gary Miller/R6/USEPA/US@EPA
Date: 11/29/2011 05:38 PM
Subject: San Jacinto River Fleet Issues

Al/John/Sonja:

After speaking with Al this afternoon (John--we tried to reach you), I was able to touch base with my clients and had some information to share.

At this time, EPA does not have a basis to order San Jacinto River Fleet (SJRF) to cease its operations. We are mindful of your concerns regarding their ongoing operations and are affording them an opportunity to push ahead with the sampling and monitoring efforts they have volunteered to undertake. Of course, we will take into account any suggestions you may have as we move forward in the process and incorporate those we feel are appropriate. To that end, I have attached the letter Gary Miller sent out to SJRF last week regarding their initial proposed plan. We are planning to supplement our preliminary comments with additional ones after Gary is able to take a more thorough look at some of the suggestions you had to offer in this morning's call.

After a detailed plan is drafted, SJRF will come to EPA to give a presentation on the proposed plan. After speaking with my clients more about this, we feel it is



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appropriate to limit the audience for the presentation to EPA and SJRF. Although we had initially discussed including a larger group, given the fact this work will be completed pursuant to an AOC with EPA, it is an integral step in our negotiations process and should be protected as such.

Lastly, I want to reiterate that EPA has not made any determination regarding SJRF's potential CERCLA liability at the SJRWP site, therefore, neither SJRF's proposal nor our response should be interpreted to do so.

Please feel free to give me a call with any further questions or clarifications.

Many thanks. Jessica

[attachment "River Fleet Site Assessment 11-25-2011.pdf" deleted by Gary Miller/R6/USEPA/US]

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